

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ROY DAVID HEATH #217344
PETITIONER

- v -

G.C. GILES, ET AL.
RESPONDENTS

CIVIL ACTION NO 3:03 CV 936-MEF

PURSUANT TO 28 U.S.C. § 2254
Petition FILED, SEPTEMBER 28, 2005.

THE REASON Petitioner has yet Responded is, Heath has had a major illness for months & still seeking help as of this time.

(A) Pursuant to the above Petition, the above MIDDLE DISTRICT has Requested THE Circuit Court of Russell County To send all Documents in Petitioners Case,

(i) THE Circuit Court has Refuse to

Send all Document in this Case,

(2) THE Exhibits ARE the Documents which were not Filed, There's no showing in the Record or in the Document sent to this Court,

(3) IF THESE Documents where on File AT THE begaining, This case would of had a Dramatic change, Petitioners innocents of these charges are part of these Documents, OR a lawyer OR Petitioner would of been able to File a succesful APPEAL.

EXhibit (1) LOF2. states Petitioner Filed Substantial Hardship two times and on the ~~same~~^{RDN} Date of the second Hardship 8,31,2000 7, seven days later The Court Appointed Hon Connie Cooper, and on the same Date Appointed 9,7,2000 there was a Preliminary Hearing, and There's nowhere in any Case Action Summary showing

The indictment,
IN THE YEAR 2000, Petitioner never
Filed any hardship or waiver, IF
Petitioner did, these are not in the
Records or Document sent to this
Court

EXhibit 2 shows Petitioner sent a
letter to Hon Connie Cooper
Date 1-3-06, and There's
been no Response as of yet.
Further action on this matter
is being taking Place as of
now on Hon Connie Cooper,

EXhibit 3 shows The AFFIDAVIT OF THE
ARREST and For a search warrant
This EXhibit does not match
Petitioners ARREST see, (C),(1)

EXhibit 4 and 5, shows TRIAL ATTORNEY
Hon, John Britton neglected his
legal work, ATTORNEY never
Responded to the notices.

The ABOVE EXhibit are not on the
Record or in the Documents sent to

this Court,

(B), The Respondent conceded that Petitioner Filed Three Post-conviction Petition in the state Court,

(1), Petitioner Filed Four Post-conviction Petitions in state Court.

The First on July 11, 2001

The second on May 31, 02

The third August 23, 02

The Fourth January 16, 03

(2) To understand The Reason For all These Post-conviction, I Try to be Brief as I can.

The First Petition I Filed a letter To The clerk of Criminal Court of appeal, asking to stop this Appeal because Hon. Charles Floyd III Filed a no merit Brief and ask to be Taking off this case at the same time.

This lawyer never Responded with me, and my wife took him copys of Hon Beittons case File. That where I got

all The above exhibits that are not part of the Records, except Exhibit 1, 1 of 2, I got this 3 years after the Fact,

The second Appeal, Filed May 31, 02, The Circuit Court denied July 16, 02, with out opione,

The Thered Appeal, Filed August 28, 02 Petitioner Filed, motion to stay and motion to compile, a amendment puresant to 15-18-8-1, A, and Filed a 10.G motion on.

In October 02, Criminal Court of appeal ordered the Circuit Court to File there Brief, and thay Filed there Brief on the seconde appeal File May 31, 02 that was already denied July 16, 02, that's why Petitioner Filed The 10.G. motion so the Circuit Court would File on the Right Appeal. The next Exhibit 6 will show more understanding, and will show why Petitioner had to File the Fourth Appeal, and why Petitioner Filed

a motion to deny the Petition but the heading was wrong it was suppose to say with out prejudice.

EXhibit 6 will show more understanding of Petitioners seconded post-Trial motion, This Exhibit has 1 of 7 pages, and The Original with all the Affidavits were Filed To criminal court Appeals CLark, Lain mann Date February 18, 2003

After The Appeals CLark Lain mann Reseved this letter. The circuit court Denied the second Rule 32, march 13, 2003 and granted the Forth Post-trial motion at the same Date, and Petitioner never heard nothing from Lain mann, The clerk of Appeals Court...

EXhibit 7 show The Forth Appeal, This Petition was granted march 13, 2003.
The Circuit Court of Russell

county denied this petition
June 12, 2003. and Petitioner
did Appeal this denial. The
next exhibit will show Petitioner
did appeal.

Exhibit 8 1 of 20, show Petitioner
Filed a motion to Alter, Amend,
or Vacate, and Petitioner had
42 day to File his Appeal and
Page 20 will show Petitioner Filed
his Appeal.

Exhibit 9 1 of 5, Petitioner also
Filed a motion Pursuant to
Rule 32.9(d). Filed July 28, 03
The Circuit Court never Rule
on this motion at any time
so Petitioner File the next
Exhibit

Exhibit 10 Filed November 5, 2003.
This motion was asking the
Court of Russell county to
modify it denial or let

Petitioners Appeal take its Course
For Further Review. The Circuit
Court Denied and Did state why.

Petitioners time should still toll
untill The Circuit court Reless The
appeal on the motion File July 9, 2003
The motion to Amend, Alter or vacate
A Judgment, Pursuant to ALABAMA Rules
OF Criminal Procedures Rule 24.4.

Petitioner's Appeal is shown on Page 20.
That's why these motion are not shown
in the Documents sent to this Court.

Petitioner has more issues to state
But needs more time to study.

Petitioner const. Rights have been
Violated and his Due process of law
Violated, all Heath needs is For someone
to understand the Fairness witch is
Due,

Petitioner doesn't need these issues
denied by this Court, Petitioner
would like to have a Fair chance to
Present these issues one day, when
Petitioner learns more on the Rules

OF Court, and if this Court cannot
Answer these issues, I ask this
Court to deny this petition with out
Prejudice so these issue can be
Presended with more Newly Discovered
evidence, any, way, Petitioner Heath
will Respect this Judgment

Date 4/26/06

Respectfully submitted
Roy David Heath
Roy David Heath

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#217344
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36016
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